

**WHITE SANDS MISSILE RANGE SECURITY ENHANCEMENT
ACT**

JUNE 24, 2013.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

REPORT

[To accompany H.R. 1299]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1299) to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Army for inclusion in White Sands Missile Range, New Mexico, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Sands Missile Range Security Enhancement Act".

SEC. 2. TRANSFER OF ADMINISTRATIVE JURISDICTION, WHITE SANDS MISSILE RANGE, NEW MEXICO.

(a) TRANSFER REQUIRED.—Not later than September 30, 2014, the Secretary of the Interior shall transfer to the administrative jurisdiction of the Secretary of the Army certain public land administered by the Bureau of Land Management in Dona Ana County, New Mexico, consisting of approximately 5,100 acres depicted as “Parcel 1” on the map titled “White Sands Missile Range Land Reservation” and dated January 4, 2013.

(b) USE OF TRANSFERRED LAND.—Upon the receipt of the land under subsection (a), the Secretary of the Army shall include the land as part of White Sands Missile Range, New Mexico, and authorize use of the land for military purposes.

(c) **LEGAL DESCRIPTION AND MAP.**—

(1) PREPARATION AND PUBLICATION.—The Secretary of the Interior shall publish in the Federal Register a legal description and map of the public land to be transferred under subsection (a).

(2) FORCE OF LAW.—The legal description and map filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(d) REIMBURSEMENT OF COSTS.—The transfer required by subsection (a) shall be made without reimbursement, except that the Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior to prepare the legal description and map under subsection (c).

(e) TREATMENT OF GRAZING LEASES.—If a grazing permit or lease exists on the date of the enactment of this Act for any portion of the public land to be transferred under subsection (a), the Secretary of the Interior shall transfer or relocate the grazing allotments associated with the permit or lease to other public land, acceptable to the permit or lease holder, so that the grazing continues to have the same value to the holder.

SEC. 3. WATER RIGHTS.

(a) WATER RIGHTS.—Nothing in this Act shall be construed—

- (1) to establish a reservation in favor of the United States with respect to any water or water right on lands transferred by this Act; or
- (2) to authorize the appropriation of water on lands transferred by this Act except in accordance with applicable State law.

(b) EFFECT ON PREVIOUSLY ACQUIRED OR RESERVED WATER RIGHTS.—This section shall not be construed to affect any water rights acquired or reserved by the United States before the date of the enactment of this Act.

SEC. 4. WITHDRAWAL.

Subject to valid existing rights, the public land to be transferred under section 2 is withdrawn from all forms of appropriation under the public land laws, including the mining laws and geothermal leasing laws, so long as the lands remain under the administrative jurisdiction of the Secretary of the Army.

PURPOSE OF THE BILL

The purpose of H.R. 1299, as ordered reported, is to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Army for inclusion in White Sands Missile Range, New Mexico.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 1299 directs the Secretary of the Interior to transfer approximately 5,100 acres of Bureau of Land Management (BLM) land in Dona Ana County, New Mexico, to the Secretary of the Army for inclusion as part of White Sands Missile Range (WSMR), New Mexico. The bill also requires the Secretary of the Interior to transfer any grazing permit or lease on the land to other public land of equal value and acceptable to the permit or lease holder.

WSMR is the nation's largest military installation. Due to its size and geographic location, WSMR provides the Armed Forces with a wide range of training, testing, and operational capabilities. The National Aeronautics and Space Administration (NASA) and a number of intelligence-gathering agencies within the federal government utilize the unique nature of the facility. Due to the sensitivity of the equipment being used, these agencies need a location with limited to no outside disturbances, such as noise, physical intrusions, observation by outside parties, or interference by outside radio transmissions. In addition to the communications work done at WSMR, the facility supports one of NASA's experimental propulsion facilities. The 5,100 acre transfer would provide greater operational security and an enhanced safety buffer for the facility.

COMMITTEE ACTION

H.R. 1299 was introduced on March 20, 2013, by Congressman Stevan Pearce (R–NM). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Public Lands and Environmental Regulation. The bill was also referred to the Committee on Armed Services. On April 26, 2013, the Subcommittee on Public Lands and Environmental Regulation held a hearing on the bill. On May 15, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Public Lands and Environmental Regulation was discharged by unanimous consent. Congressman Rob Bishop (R–UT) offered an amendment designated #1 to the bill; the amendment was adopted by voice vote. Congressman Raúl Grijalva (D–AZ) offered an amendment in the nature of a substitute to the bill; the amendment was withdrawn. No further amendments were offered, and the bill, as amended, was then adopted and ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

H.R. 1299—White Sands Missile Range Security Enhancement Act

H.R. 1299 would require the Secretary of the Interior to transfer administrative jurisdiction over 5,100 acres of land in New Mexico to the Secretary of the Army. Those lands would be used by the Army for military purposes. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant impact on the federal budget. Enacting H.R. 1299 would reduce offsetting receipts, which are treated as reductions in direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any net reduction in offsetting receipts would be negligible.

Because the affected lands are currently used for cattle grazing and no alternative grazing lands are available in the area near those lands, CBO expects that enacting H.R. 1299 would require BLM to terminate existing grazing contracts. Based on information provided by the agency, CBO estimates that terminating those con-

tracts would reduce offsetting receipts by less than \$1,000 a year over the 2014–2023 period.

In addition, because the affected lands are already managed by the federal government, we estimate that implementing the legislation would not affect the costs of managing the lands. Finally, CBO estimates that any additional costs to prepare the legal description of the affected lands, as required under the bill, would total less than \$10,000, subject to the availability of appropriated funds.

H.R. 1299 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFave. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. Based on information provided by the Bureau of Land Management (BLM), CBO estimates that implementing the legislation would have no significant impact on the federal budget.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Army for inclusion in White Sands Missile Range, New Mexico.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

EXCHANGE OF LETTERS

H.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

June 19, 2013

DOC HASTINGS, WA
 CHAIRMAN
 DION YOUNG, MA
 LOUIE GOHMERT, TX
 RANDY NEWMAN, UT
 DOUG LAMBOURN, CO
 ROBERT W. WITTENBERG, VA
 PAUL J. BRENNAN, CA
 JOHN FLEMING, LA
 TOM McPINTON, CA
 OLIVER H. GOLSON, NC
 CYNTHIA LUMMIS, WY
 DALE DUNCAN, MI
 JEFF DUNCAN, SC
 SCOTT R. TIFTON, CO
 PHIL BISHOP, NH
 PAUL P. LAFRASIER, ND
 STEVE SOUTHERLAND, FL
 BILL THOMAS, GA
 ANDY HARRIS, MD
 JON RUNYAN, NJ
 MARK P. TAKEMOTO, NV
 MAHMOUD A. MALIUN, OK
 CHRIS STEWART, UT
 STEVE COHEN, NY
 KEVIN CRAMER, ND
 DOUG LAMARFA, CA

TODD YOUNG
 CHIEF OF STAFF

The Honorable Howard "Buck" McKeon
 Chairman, Committee on Armed Services
 House of Representatives
 2120 Rayburn House Office Building
 Washington, D.C. 20515

Dear Mr. Chairman:

On May 15, 2013, the Committee on Natural Resources ordered reported a slate of bills that were ultimately included as part of H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. These bills were referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Armed Services.

Specifically, these bills are H.R. 910, Sikes Act Reauthorization Act of 2013; H.R. 1299, White Sands Missile Range Security Enhancement Act; H.R. 1672, Limestone Hills Training Area Withdrawal Act; H.R. 1673, To provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in Naval Air Weapons Station China Lake, California; H.R. 1676, Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act; and H.R. 1691, Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013.

I ask that you allow the Armed Services Committee to be discharged from further consideration of the bills in order for bill reports to be filed. These discharges in no way affect your jurisdiction over the subject matter of the bills, and it will not serve as precedent for future referrals. In addition, should a conference on any of the bills be necessary, I would support your request to have the Committee on Armed Services represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill reports filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

Doc Hastings
 Chairman

EDWARD J. MARKEY, MA
 RANDY A. HECK, HI
 PETER A. DESSO, OR
 ERIK J. FALEOMAVAEGA, AS
 FRANK D. Guinta, NH
 GRACE F. NAWROTZKI, MA
 RUSSELL HOLT, NM
 RAUL M. Grijalva, AZ
 MADELEINE Z. BORDALLO, GU
 JIM COSTA, CA
 ENRIQUE LAGUARDIA, NY
 NICK TSOUPAS, MA
 PEDRO R. MENJIBIS, PR
 COLLEEN T. MCGRATH, RI
 TONY CARDENAS, CA
 STEVEN HORNHFELD, NV
 JAMES R. MURKIN, CA
 PAUL RUEZ, CA
 CAROL SHEA-POTTER, NH
 ALAN R. lowELL, MA
 JOSE GARCIA, FL
 MATTHEW CARTWRIGHT, MA

JEFFERY DUNCAN
 DEMOCRATIC STAFF DIRECTOR

JOHN R. BULSTAD, MINNESOTA
 RANDI THOMPSON, TEXAS
 ANITA B. JONES, NORTH CAROLINA
 J. RANDY FORTES, VIRGINIA
 ROBERT W. GIBSON, SOUTH DAKOTA
 KIC M. SOTTS, SOUTH CAROLINA
 FRANK A. LUMBRANO, NEW JERSEY
 ROB BROWN, ALABAMA
 MICHAEL R. TURNER, OHIO
 JOHN KLINE, MINNESOTA
 ANNE M. KORNBLATH, MASSACHUSETTS
 BRENT FRANCIS, ARIZONA
 BILL SHUSTER, PENNSYLVANIA
 X. MICHAEL HALL, SOUTH DAKOTA
 DONALD LAMBERTON, COLORADO
 ROBERT A. WITTMAN, VIRGINIA
 DONALD M. MCINTIRE, UTAH
 JOHN C. STEWART, MISSOURI
 VICKIE CHAPMAN, LOUISIANA
 E. SCOTT TIGHE, ILLINOIS
 CHRISTOPHER P. DODSON, NEW YORK
 VICKY HARTZLER, MISSOURI
 JOSEPH C. HOBBS, NEVADA
 JOHN DANIEL, NEW JERSEY
 AUSTIN SCOTT, GEORGIA
 STEPHEN M. CALZADAS, MASSACHUSETTS
 MARTIN M. PROKOSH, OKLAHOMA
 MEL BROOKS, ALABAMA
 RICHARD B. MOORE, FLORIDA
 ROBERT W. GIBSON, SOUTH DAKOTA
 PAUL COOK, CALIFORNIA
 JIM BROADBENT, OKLAHOMA
 BRADLEY ANDREW STRIP, SOUTH DAKOTA
 JAMES R. WALKER, INDIANA

ADAM SMITH, WASHINGTON, WASHINGTON, WASHINGTON
 LINDA SANCHEZ, CALIFORNIA
 MIKE MUNFORD, NORTH CAROLINA
 ROBERT A. Brady, PENNSYLVANIA
 ROBERT W. GIBSON, SOUTH DAKOTA
 SUSAN A. DAVIS, CALIFORNIA
 JAMES R. LANGEVIN, RHODE ISLAND
 THOMAS J. SPAULDING, MASSACHUSETTS
 CRAIG COOPER, TENNESSEE
 MARKUS A. BORNALLO, WISCONSIN
 JOSEPH C. HOBBS, NEVADA
 DAVE LOWMYER, IOWA
 NICK TONOGAI, MASSACHUSETTS
 JOHN B. GILLEN, CALIFORNIA
 HENRY C. "HANK" JOHNSON, JR., GEORGIA
 COLLEEN汉纳，夏威夷
 JAMES R. MITCHELL, CALIFORNIA
 RON BARBER, ARIZONA
 ANTHONY CAROZZI, INDIANA
 GARY L. MILLER, NEW HAMPSHIRE
 DAVID S. MARTELL, NEW YORK
 DEREK KILMER, WASHINGTON
 JEFFATON BROWN, ALASKA
 TAMMY DUCHOWNY, ILLINOIS
 SCOTT A. PETERS, CALIFORNIA
 WILLIAM H. FRAZIER, ALABAMA
 PETER P. GAETTI, TEXAS
 MARIA VARGAS, TEXAS

COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED THIRTEENTH CONGRESS

June 19, 2013

PORSEY L. SUMMERS, JR., STAFF DIRECTOR

Chairman Doc Hastings
House Committee on Natural Resources
 1324 Longworth House Office Building
 Washington, D.C. 20515

Dear Chairman Hastings:

Thank you for your letter regarding six bills that were referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Armed Services, and included as part of H.R. 1960, the National Defense Authorization Act for Fiscal Year 2014. This includes H.R. 910, Sikes Act Reauthorization Act of 2013; H.R. 1299, White Sands Missile Range Security Enhancement Act; H.R. 1672, Limestone Hills Training Area Withdrawal Act; H.R. 1673, To provide for the transfer of certain public land currently administered by the Bureau of Land Management to the administrative jurisdiction of the Secretary of the Navy for inclusion in Naval Air Weapons Station China Lake, California; H.R. 1676, Johnson Valley National Off-Highway Vehicle Recreation Area Establishment Act; and H.R. 1691, Chocolate Mountain Aerial Gunnery Range Transfer Act of 2013.

Our committee recognizes the importance of these bills, and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over these pieces of legislation, I do not intend to request sequential referrals. By waiving consideration of the bills, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the bills which fall within its Rule X jurisdiction. Further, should a conference on any of the aforementioned bills be necessary, I request that the Committee on Armed Services be represented during any conference negotiations.

Thank you for your attention to these matters.

Sincerely,

Howard P. "Buck" McKeon
 Chairman

cc: The Honorable John A. Boehner
 The Honorable Adam Smith
 The Honorable Edward J. Markey
 The Honorable Thomas J. Wickham, Jr.